



WEB COPY

W.A.Nos.2753, 2754 & 2769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

W.A.Nos.2753, 2754 & 2769 of 2024
and C.M.P.Nos.20251, 20259 & 20297 of 2024

The Management of
The Sirumugaipudur Sree Ramalinga
Sowdambigai Weavers Co-op Production & Sales
Society Ltd., Ch-14, Sirumugaipudur,
Srimugai, Mettupalayam Taluk,
Coimbatore District – 641 302.

... Appellant in all WAs

Vs.

1.K.Veerassamy *... 1st respondent in WA.No.2753/2024*

1.S.Balasudaram *... 1st respondent in WA.No.2754/2024*

P.K.Arumugam (Deceased)

1.A.Vimalarani

2.A.Gokila Vani

3.A.Jothikumar *... Respondents in WA.No.2769/2024*

2.The Presiding Officer,
Labour Court,
Coimbatore.

... 2nd Respondent in all WAs



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PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 13.06.2024 made in W.P.Nos.11052, 11053 & 11107 of 2015 and dismiss the Writ Petitions.

(in all WAs)

For Appellant : Mr.M.Loganathan
For R1 : Mr.M.Mahamani
For R2 : Labour Court

COMMON JUDGMENT

(Judgment of the Court was made by *M.S.RAMESH, J.*)

When the respondents/workmen, were retrenched from the services of the appellant/Management on 07.03.2000, by paying them one month pay in lieu of a notice period, without paying the compensation provided under Section 25F of the Industrial Disputes Act, 1947, they had challenged the same before this Court in the Writ Petitions filed in the year 2000. Thereafter, when a Constitutional Bench of the Hon'ble Supreme Court in *Marappan's case* reported in '**2004(4) CTC 689**', held that a Writ Petition would not lie against a Cooperative Societies, they had withdrawn their Writ Petitions on 01.07.2009, with liberty to raise an industrial



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dispute. Accordingly, disputes were raised in I.D.Nos.34, 33 & 31 of 2010 respectively, before the Labour Court, Coimbatore and by an Award dated 14.03.2014, the retrenchment orders dated 07.03.2000 were set aside with a direction to the Management to reinstate the respondents/workmen, together with continuity of service, full backwages and other attendant benefits from the date of I.D. i.e. on 05.02.2010. When the respondents/workmen herein had challenged the denial of backwages for the period between 07.03.2000 and 04.02.2010 before the learned Single Judge in W.P.Nos.11052, 11053 & 11107 of 2015, the Writ Petitions came to be allowed on 13.06.2024, with a direction to the appellant/Management to pay the entire backwages for the said period in addition to the reliefs already granted under the original Award dated 14.03.2014. The appellant/Management has challenged the orders of the learned Single Judge in this Intra-Court Appeals.

2. The predominant ground raised by the appellant/Management before the learned Single Judge was that there was an inordinate delay in challenging the retrenchment orders. The learned Single Judge had taken note of the fact that as soon as the respondents/workmen were retrenched



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on 07.03.2000, they had challenged the same immediately before this Court in the Writ Petitions of the year 2000. Ultimately, when the law relating to maintainability of Writ Petition was laid down holding in the negative, they had sought for permission of the Writ Court to withdraw the Writ Petitions with liberty to workout their remedy in accordance with law. Accordingly, after the Writ Petitions were dismissed on 01.07.2009, they had raised disputes in I.D.Nos.34, 33 & 31 of 2010. The learned Single Judge had also taken into account that the earlier period of preferring the Writ Petitions have not been appreciated by the Labour Court and accordingly, held that the observations of the Labour Court, with regard to the delay being inordinate, as baseless.

3. We do not find any infirmity or illegality in such a finding of the learned Single Judge. When it is seen that, right from the inception when the respondents/workmen had challenged the orders of retrenchment at the earliest point of time and had been continuously agitating to redress their grievances without any inordinate break, the Labour Court ought not to have restricted the backwages from the date of the Industrial Dispute. In this background, the learned Single Judge was quite justified in extending the benefits of the backwages for the period between 07.03.2000 and



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04.02.2010.

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4. Accordingly, there are no merits in these Writ Appeals and hence, the same stand dismissed. No costs. Connected miscellaneous petitions are closed.

[M.S.R., J] [C.K., J]
24.09.2024

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes
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To
The Presiding Officer,
Labour Court,
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